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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,839	06/16/2000	Daniel Schreiber	42426.00039	1524

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,839

Applicant(s)

SCHREIBER ET AL.

Examiner

Jenise E. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15, 18, 27-30 and 33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-15, 18, 27-30, 33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Minor Informalities

- 1. The Applicant is required to submit a substitute specification, because the current specification has hole punches that inhibit one from reading the top pages of the specification.**

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 4. Claims 12-15, 18, 27-30, 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 12-15, 18, 27-30, and 33 are rejected under 112 1st, for the limitations, "automatically receiving from the program applet the embedded password without manual entry of the password by a user, for authentication whenever the receiving occurs". The specification does not describe or contain, limitations, "automatically receiving from the program applet the embedded password without manual entry of the password by a user, for authentication whenever the receiving occurs". The specification discloses the client sending a request for an applet to the server via the network.(see pg. 11).**

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 12-14, 18, 27-29, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Scherpbier(6,263,365).

7. As per claim 12, 18, 27, Scherpbier discloses providing a program applet(22) with a password embedded therewith to a client computer via a network, the password having a limited operational life(see col. 4, lines 45-49); receiving from the program applet via the network a request for information stored in a restricted access storage area of a server computer(see col. 3, lines 55-67, col. 4, lines 1-15); automatically receiving from the program applet the embedded password, for authentication (whenever the receiving occurs(see col. 4, lines 47-49); authenticating the embedded password by the server computer(i.e. control module) and not by the program applet, whenever the receiving occurs(see col. 4, lines 49-51), thereafter providing the information to the program applet via the network while the embedded password is valid(see col. 4, lines 55-67, col. 5, lines 1-5); and invalidating the embedded password coincident with an invalidation event(see col. 4, lines 47-54). Also, as per claim 27, a password generator is inherent in Scherpbier, because Scherpbier discloses a password, and that the applet transmits the password to the server in order to perform authentication (see col. 4, lines 47-55).

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8. As per claims 13, 28, Scherpbier discloses wherein the invalidating includes invalidating the embedded password at a predetermined time, because the time is when the pilot applet(22) of Scherpbier is used to create a flight creation, the applet is then authenticated by the server, if the password is invalid, the flight is not created(see col. 4, lines 44-55).

9. As per claims 14, 29, Scherpbier discloses wherein the invalidating includes invalidating the embedded password after lapse of a predetermined time from when the request was received(see col. 4, lines 44-55).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 15 and 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherpbier.

12. As per claims 15, 30, the Examiner takes Official Notice that it is well-known in the art of networking to invalidate a password upon detection of a loss of communication with the client; therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include invalidating a password upon detection of a loss of communication with the client, the motivation is that the password can be intercepted and used by another client on the network, if the password is not invalidated.

Response to Amendment

13. The Applicant states that Scherpbier discloses assigning a password to a user, namely the user of the pilot computer. Thus, the Applicant states that Scherpbier does not disclose a password embedded in the applet. The Examiner disagrees with the Applicant. Scherpbier does not disclose a user entering a password. Scherpbier discloses a flight creation applet enables the pilot computer to transmit the user name and password of the user of the pilot computer, and the control module determines whether the username and password are valid(see col. 4, lines 44-51). If the code is transmitted, the code is embedded in the applet, at the time of transmission(see col. 3, lines 3-6, col. 4, lines 44-51). If the Applicant has a more specific feature that the Applicant wants to claim, than the Applicant should do so. The claims are to be interpreted broadly in light of the specification.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 12, 2005



4/13/05